

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF OKLAHOMA  
3

4 SEAN SMITH and CRYSTAL SMITH, )  
5 Plaintiffs, )  
6 vs. ) No.  
7 CSAA FIRE & CASUALTY INSURANCE ) 5:17-cv-1302D  
8 COMPANY, )  
9 Defendant. )  
10  
11



12 VIDEOTAPED DEPOSITION OF TIM FRANCE  
13 TAKEN ON BEHALF OF THE PLAINTIFFS  
14 IN OKLAHOMA CITY, OKLAHOMA  
15 ON JANUARY 7, 2019

16

17

18

19 REPORTED BY: KAREN B. JOHNSON, CSR  
20

21

22

23

24

25



Timothy France

January 7, 2019

Page 65

1 any questioning that doesn't involve an earthquake  
2 and on something that he worked on.

3 Q (By Mr. Engel) You testified that you did  
4 work Elk City claims; right?

5 MR. FELTY: Object to form. Again, move  
6 for protective order.

7 MR. ENGEL: Let me ask the question so we  
8 can have a clear record.

9 MR. FELTY: Okay.

10 Q (By Mr. Engel) How many structures did  
11 you investigate as a result of the Elk City  
12 tornadoes?

13 MR. FELTY: Move for protective order.  
14 Don't answer the question. We'll talk to the judge.

15 Q (By Mr. Engel) I want to kind of leave  
16 where we're at and move on to something else, all  
17 right?

18 A Okay.

19 Q I want to talk about this idea of  
20 destructive investigation. Are you familiar with  
21 that term?

22 A Yes.

23 Q What is destructive investigation?

24 A It's where you have to destroy part of a  
25 structure or take a piece of it to be examined.

Timothy France

January 7, 2019

Page 66

1 Q And the reason -- one of the reasons you  
2 would destroy part of a -- a structure is that you  
3 could view the structural components behind  
4 coverings; right?

5 A Correct.

6 Q For example, you might tear off drywall to  
7 view the structural components of the wall behind  
8 the drywall; right?

9 A Yes.

10 Q Or you might tear off the ceiling so you  
11 could see the roof or the ceiling joists; right?

12 A Yes.

13 Q Does it frustrate you when I say the wrong  
14 terms for the building materials?

15 A I'm following you just fine.

16 Q I apologize, I'm trying my best, all  
17 right? Or you might -- in one instance, you might  
18 tear up the floor to see the structural components  
19 under the floor; right?

20 A Yes.

21 Q And this destructive investigation is  
22 something you're familiar with; right?

23 A Yes.

24 Q Are there instances where you've performed  
25 destructive investigation to view structural

Timothy France

January 7, 2019

Page 67

1 components behind wall coverings and floor coverings  
2 and ceiling coverings?

3 A Yes.

4 Q Would you agree that you can't view the  
5 structural components of things while the coverings  
6 are still on?

7 A Yes.

8 Q When you've been working for Rimkus --  
9 well, strike that.

10 Do you believe in doing a thorough  
11 investigation?

12 A Yes.

13 Q Do you feel like you always do a thorough  
14 investigation?

15 A Can you rephrase that?

16 Q I know -- well, let me ask it this way, do  
17 you think in order to perform an ethical  
18 investigation, you need to perform a thorough one?

19 A Yes.

20 Q If you're investigating a claim and you  
21 have the opportunity to look in the attic, would you  
22 look in the attic?

23 A If I felt it was warranted to do so, I do.

24 Q If you had the opportunity to view in a  
25 basement or a crawl space, would you do that?

Timothy France

January 7, 2019

Page 81

1 believe it's not necessary to go into the crawl  
2 space?

3 A Yes.

4 Q Why?

5 A There was nothing there that I saw that  
6 would justify going into it, and, too, if I remember  
7 correctly, there was no direct access to the crawl  
8 space.

9 Q Did you ever consider destructive  
10 investigation to get into there?

11 A No.

12 Q But that's something you could have done  
13 to access if there was no access point; right?

14 A We could propose it, have to get approval  
15 from the property owner then and the client to pay  
16 for the repairs.

17 Q And that's something you guys could have  
18 done; right?

19 A Could have.

20 Q I want to talk about the size of  
21 earthquakes, all right?

22 A Okay.

23 Q How do you measure the size of an  
24 earthquake?

25 A There's -- when you say "measure," by

Timothy France

January 7, 2019

Page 148

1 A No.

2 MR. ENGEL: Asked and answered and form.

3 Q (By Mr. Andrews) Will you repeat your  
4 answer, please?

5 A No.

6 MR. ENGEL: If you give me a little bit of  
7 time to object and then answer, it will be a little  
8 bit cleaner, all right?

9 THE WITNESS: Okay.

10 Q (By Mr. Andrews) You testified that there  
11 was no destructive testing at the Smith house, why  
12 was that not done?

13 A Didn't feel it was necessary.

14 Q You didn't take any soil samples at the  
15 Smith house, why was that not done?

16 A Typically do not.

17 Q Do you recall the condition of the soil  
18 while you were out at the house doing your  
19 investigation?

20 A It's covered with vegetation.

21 Q If you would, look at Exhibit 3A, which is  
22 Dr. Holliday's report.

23 MR. ENGEL: Should be the bottom.

24 MR. FELTY: Put the rest of that over  
25 there. Get this out of your way.